

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2017-135625-001 DT

03/08/2018

COMMISSIONER JACKI IRELAND

CLERK OF THE COURT
C. Montoya
Deputy

STATE OF ARIZONA

CHRISTIAN MARK LUEDERS

v.

SHANE DAVID JOHNSON (001)

ANDREW SCHLICKSUP

TRIAL MINUTE ENTRY
DAY 4

Courtroom CCB 902

State's Attorney:	Christian Lueders
Defendant's Attorney:	Andrew Schlicksup
Defendant:	Present

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

9:36 a.m. Trial to Jury continues from March 7, 2018.

The jury is not present.

Discussion is held regarding Final Jury Instructions.

9:54 a.m. Court stands at recess.

10:06 a.m. Court reconvenes with the defendant and respective counsel present.

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Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

Further discussion ensues regarding Final Jury Instructions and verdict forms.

10:18 a.m. Court stands at recess

Prior to commencement of trial, State's exhibit 38 is marked for identification.

10:28 a.m. Court reconvenes with the defendant and respective counsel present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

Instructions are settled and verdicts are prepared.

10:35 a.m. Jury enters the courtroom.

Defendant rests.

The jury is instructed by the Court as to the law applicable to this cause.

Closing arguments.

FILED: Final Jury Instructions

Jurors 7 and 13 are designated alternates by lot and excused from further consideration of this cause.

11:50 a.m. The jury retires in charge of sworn bailiffs to consider their verdicts and Court stands at recess.

2:09 p.m. Court reconvenes with the defendant and respective counsel present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

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The jury is all present in the jury box and by their Foreperson return into court their verdict, which is read and recorded by the Clerk and is as follows:

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find to do find the Defendant as to **Count 1: Theft of Means of Transportation: GUILTY.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find to do find the Defendant as to **Count 2: Unlawful Flight from Law Enforcement Vehicle: GUILTY.**

We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find to do find the Defendant as to **Count 3: Criminal Trespass in the First Degree: GUILTY.**

The jurors reply that this is their true verdict.

The jury is polled at the request of counsel for the defendant. Each juror replies that this is his/her true verdict.

The jury is instructed by the Court as to the law applicable to aggravating circumstances.

The State presents argument for a finding of aggravating circumstances.

The Defense presents arguments for no finding of aggravating circumstances.

Both sides rest.

2:49 p.m. The jury retires in charge of sworn bailiffs to consider their verdicts.

State's Exhibit 38 is received in evidence for appellate purposes only.

2:50 p.m. Court stands at recess.

3:07 p.m. Court reconvenes with the defendant and respective counsel present. The jury is not present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

The Court has received a deliberation question from the jury. Same is discussed by Court and Counsel and an answer is agreed upon and submitted to the jury.

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FILED: Jury Deliberation Question (1)

3:15 p.m. Court stands at recess.

3:32 p.m. Court reconvenes with the defendant and respective counsel present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

The jury is all present in the jury box and by their Foreperson return into court their verdict, which is read and recorded by the Clerk and is as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, as to Count 1: Theft of Means of Transportation, do unanimously find beyond a reasonable doubt the following aggravating circumstance or circumstances as shown by the circumstance or circumstances checked:

Aggravating Factor	Proven	Not Proven
1. The offense involved the taking of or damage of property in an amount sufficient to be an aggravating circumstance.		X

The jurors reply that this is their true verdict.

FILED: Verdicts, Jury List, Trial Worksheet

The jury is excused from further consideration of this cause and exits the courtroom.

Based upon the verdicts,

IT IS ORDERED setting time for sentencing on 04/10/2018 at 9:00 a.m. (1 hour allotted – TIME CERTAIN) before this division.

IT IS FURTHER ORDERED the Adult Probation Department shall prepare a Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

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IT IS FURTHER ORDERED affirming custody orders.

Counsel for the State requests an order to fingerprint the defendant while in custody.

The Court directs counsel to submit a formal written order for consideration.

3:38 p.m. Trial concludes.

LATER:

Pursuant to the Verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of Court,

IT IS ORDERED that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.